

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMASINA TARA COCHRAN,

Plaintiff,

-v.-

LEWIS, MCDONNELL & ASSOCIATES LLC,

Defendant.

24 Civ. 1534 (KPF)

ORDER OF SERVICE

KATHERINE POLK FAILLA, District Judge:

Plaintiff Thomasina Tara Cochran, who is appearing *pro se*, brings this action against Defendant Lewis, McDonnell & Associates, alleging violations under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p, and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681x. By order dated March 6, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. (Dkt. #4). Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the United States Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process ... in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) ("The court must [] order [service be made by the United States Marshals

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding *in forma pauperis* and could not have served the summons and the complaint until the Court reviewed the complaint and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

Service] if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915.”).

To that end, the Clerk of Court is instructed to fill out a United States Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant, reflecting the address listed in Exhibit A to this Order. The Clerk of Court is further instructed to issue a summons and deliver to the United States Marshals Service all the paperwork necessary for the United States Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue a summons for Defendant Lewis, McDonnell & Associates LLC, complete the USM-285 form with the address for Defendant, and deliver all documents necessary to effect service to the United States Marshals Service.

The Clerk of Court is further instructed to mail Plaintiff a copy of this Order, and an information package to Plaintiff’s address of record.

SO ORDERED.

Dated: March 12, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge

Exhibit A

Defendant and Service Address

Lewis, McDonnell & Associates LLC
17852 E 17th Street
Suite #206
Tustin, CA 92780